

Remark

Applicants respectfully request reconsideration of this application as amended. Claims 104, 109, 114, 121, 125-127, 130, 133, 135 have been amended. Claims 1-103 have been previously canceled. Therefore, claims 104-138 are now presented for examination.

Claim Objections

Claims 104-138 stand objected to for various informalities. The requested change to Claim 125 has been made.

The independent claims have also been amended to render the recitations about content and descriptors more clear. The first operation relates to broadcasting content descriptors. In the example in the specification, these descriptors correspond to the information that is typically provided in an EPG, such as channel title, genre, actors, rating, etc. The next operation relates to transmitting further content descriptors together with a portion of the full content. In the example in the specification, the portion of the full content is a preview, sample video, images or the like. Finally the last operation relates to broadcasting the full content.

35 U.S.C. § 101 Rejection

Claims 114 and 135 stand rejected under 35 U.S.C. 101, because the specification mentions that a machine-readable medium can include “carrier wave signals.” The claims are amended to refer to a “tangible machine-readable storage medium having instructions stored thereon.” This amendment is intended to prevent the claims from reading on “carrier wave signals.”

35 U.S.C. § 112 Rejection

Claims 104-138 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. As mentioned above, the independent claims are rewritten to eliminate the confusion between content descriptors, which describe the content, and the content itself, or portions thereof. The claims are also amended to describe the feedback as transparent in the first instance and manually generated in the second instance as the Examiner has suggested.

The previously submitted claims also did not pay careful attention to the user of the terms, client, client device, and user. As is clear from the figures, the remote hardware is referred to as a client. The person that operates that hardware is referred to as a user. In many cases in the specification, the distinction between the device and the person is not important and so the term client is used. The claims, however, are amended to clarify this distinction.

35 U.S.C. § 102 Rejection

Dunn

The Examiner has rejected claims 104, 105, 108-117, 120, 121, 124-132, 134, 135 and 138 under 35 U.S.C. 102(b) as being anticipated by Dunn, U.S. Patent No. 5,945,987 (“Dunn”). In Dunn as shown in Figure 9, the viewer can tune to a VOD (Video on Demand) channel that features a preselected group of previews. Information about the previews is stored in the STB, then, upon selection, a selected preview is downloaded for the viewer. The reference recommends a fiber optic network Col. 4, line 63 to support the needed download speeds.

After viewing a preview the viewer can order the corresponding program/movie, or add it to a list. If it is ordered, then it is downloaded immediately to the STB. Figure 4 shows the “preview browse user interface” in which the trailers can be sorted by

In the present invention as recited, for example, in Claim 1, the broadcaster receives “demand data” “automatically generated transparent to a user in response to the content descriptors.” These limitations do not add new subject matter as they come essentially from Claim 109, for example.

The operations which the Examiner points to in Dunn, are the user manually selecting a particular video or one of the buttons, “New,” “Stars,” “Titles,” and “Viewer List.” This would, of course, be a manual operation performed intentionally by the user.

In brief, Dunn presents a two-stage approach in which the user selects previews and then either adds the corresponding show to his list, or orders the show to watch. In the present invention, there is a three stage process. The first process is transparent to the user, and results in content descriptors being provided that are responsive to the demand data.

Claim 109 present further limitations not shown in Dunn, “the automatically generated demand data is based on an amount of content consumed by the client.” Here the Examiner cites Dunn at Col. 10, lines 25, 27. However, this is about a process in which the user is “in control.” The amended claims are clear that this is the transparent process in contrast to Dunn.

35 U.S.C. § 103 Rejection

Dunn and Payton

The Examiner has rejected claims 106, 107, 118, 119, 122, 123, 133, 136 and 137 under 35 U.S.C. 103(a) as being unpatentable over Dunn, in view of Payton U.S. Patent No. 5,790,935 ("Payton"). This rejection relies on the Dunn rejection discussed above and is believed to be traversed on the same grounds, *inter alia*.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time


Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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